

Serial No. 10/695,453
Docket No. T36-159874M/SW
(NGB.322)

8

RECEIVED
CENTRAL FAX CENTER

SEP 29 2006

REMARKS

Entry of this Amendment is proper because it does not raise any new issues requiring further search by the Examiner, narrows the issues on appeal, and places the present application in condition for immediate allowance.

An excess claim fee payment letter is submitted herewith for four (4) excess independent claims.

Claims 2, 3, and 7-24 currently are pending in the present application.

Applicant gratefully acknowledges that claims 19-21 and 23 are allowed and that claims 2, 7-10, 22, and 24 would be allowable if rewritten in independent form.

Claims 1 and 3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nomoto (U.S. Patent No. 6,320,216 B1).

While Applicant believes that all of the claims are patentable over the prior art of record, to expedite prosecution, allowable claims 2, 7, 10, 22, and 24 are rewritten in independent form, and thus, these claims should now be allowed.

Claim 3 is amended merely to change its dependency from claim 1 to allowable claim 24. Thus, claim 3 should now be allowed.

Claim 1 has been canceled without prejudice or disclaimer to the filing of a divisional/continuation application directed to the subject matter of this claim.

Thus, the rejection of claims 1 and 3 under 35 U.S.C. § 103(a) over Nomoto has been rendered moot by the amendments above, and the Examiner is requested to withdraw this rejection.

Thus, all of the pending claims (i.e., claims 2, 3, and 7-24) are now in condition for immediate allowance.

Serial No. 10/695,453
Docket No. T36-159874M/SW
(NGB.322)

9

RECEIVED
CENTRAL FAX CENTER
SEP 29 2006

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

CONCLUSION

In view of the foregoing, Applicant submits that **claims 2, 3, and 7-24**, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.


Serial No. 10/695,453
Docket No. T36-159874M/SW
(NGB.322)

10

No fees are believed to be necessary. However, the Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: September 29, 2006

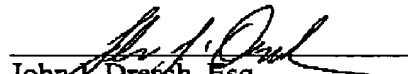

John J. Dresch
Registration No. 46,672

Sean M. McGinn
Registration No. 34,386

**MCGINN INTELLECTUAL PROPERTY
LAW GROUP, PLLC**
8321 Old Courthouse Road, Suite 200
Vienna, Virginia 22182-3817
(703) 761-4100
Customer No. 21254

CERTIFICATE OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 the enclosed Amendment under 37 C.F.R. § 1.116 to Examiner Alexander O. Williams, Art Unit 2826, on September 29, 2006.


John J. Dresch, Esq.
Registration No. 46,672
Sean M. McGinn, Esq.
Registration No. 34,386